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Carle Whitehead

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## *Administration of Justice in Police Courts*

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"We are fond of speaking of Americanization. If our bar associations could create a sentiment which would demand that in all our cities the police and minor civil courts should fairly represent the republic as the embodiment of the spirit of justice, our problem of Americanization would be more than half solved. A petty tyrant in a police court, refusal of a fair hearing in minor civil courts, the impatient disregard of an immigrant's ignorance of our ways and language, will daily breed Bolshévists who are beyond the reach of your appeals. Here is work for lawyers. \* \* \* *Look after the courts of the poor who stand most in need of justice. The security of the Republic will be found in the treatment of the poor and the ignorant; in indifference to their misery and helplessness lies disaster.*" Charles E. Hughes.

(Italics are mine)

The weakest link limits the chain's strength. The weakest point in a legal system is that of its operation upon the meanest subject. This point is the police court. If the police court fails to administer justice to the meanest subject the legal system, of which this court is a part, is failing to function properly and when the legal system fails to properly function, respect for it is impossible.

Obedience may be taught or enforced, but the process is expensive.

Respect can not be taught or enforced. It is spontaneously accorded to that which merits it. Respect being established, obedience follows naturally in most cases and in the remainder is obtained at minimum cost.

Establish administration of justice to the meanest defendant in the police court and respect for and (to a large extent) obedience to our legal system as a whole will follow and much of the work of the law enforcement agencies and Americanization Committees will be no longer needed.

But that would be ideal! Perhaps, but what of it?

You work toward an ideal or else

you work away from one. There is no middle ground. You have a worthy objective—an ideal—and are striving to attain it or else you are singing the old song, "I Don't Know Where I'm Going But I'm On My Way" and your effort is being wasted. A little progress toward an ideal is rather to be chosen than a completed journey to an unworthy objective.

But admitting that administration of justice in police courts is an ideal is not admitting its impossibility.

Much time, money and labor are being spent in trying to *teach* and *enforce* respect for law. The net results to date are a few approving nods and remarks from the "amen corner", more than offset by volumes of jokes in print and on screen.

A like amount of time, money and labor spent in improving Police and Justice of the Peace courts—the courts of the poor and mean—would bring a condition which would result in general respect not only for those courts but for our legal system as a whole.

The profession and the public must be awakened to a realization of present conditions and to the necessity of providing means with which to make the needed changes.

(Since this article was drafted the City Club's committee report on "Justices of the Peace and Police Court" has been published in the Record. That report needs no praise from me. Its intrinsic value is apparent. If the present article shall prove to be of even slight assistance in a work so ably started, I shall be more than satisfied.)

About 14,000 cases disposed of in the Denver Police Court in 1925. An average (as confirmed by the City Club report) of two and one half minutes per case. But some of the defendants have means to employ counsel and their cases take very much more than 2½ minutes leaving probably little more than a minute each for the cases of the poor, mean defendants.

Think of it! Every year thousands upon thousands of persons sentenced to jail—deprived of their liberty for

the protection of which this government was founded—for periods of from 10 to 90 days upon a trial of one minute's duration for the charge, the plea, the witnesses, statement of accused and consideration and sentence by the court!

Fourteen thousand defendants and many more thousands of witnesses each year get this picture of the "administration of justice" (God save the mark). Is it any wonder that there is no respect for law or the legal system?

Two instances will suffice to illustrate the past and present functioning of the Police Court and the necessity for a radical change. In one instance I was a mere spectator. In the other I was employed as attorney *after* the trial in Police Court.

Twenty-one men lined up before the judge. "You are charged with vagrancy". "Not guilty". Two officers testify "We picked these fellows up in various places including I. W. W. headquarters. They have no jobs and are no good". The judge goes down the line with "What have you to say". First man—"Here is my bank book showing \$125.00 in the bank. I am looking for a job and so far cannot find one". Second man—"My room rent at ——— is paid a week in advance. I worked during the sugar beet campaign and when that was over I came to Denver to find a job. Could find only odd jobs so far". Third man—"My room rent at ——— is paid three weeks in advance. Worked for contractor out of town till job finished then came here looking for new job." So on down the line. After all had spoken, the judge said "sixty days in jail for each of you". Shortly thereafter the announcement was made that "any of you who will leave town in one hour will have sentence suspended."

I heard one man say "the same old stuff".

About half of them agreed to leave, the rest refused.

Shortly after that I was in the office of the jailer when the man who made the above remark entered to get his belongings from the jailer. I said "I thought you got sixty and refused to leave". "Sure" said he "they let loose all who stood their ground, they don't dare go through with that sort of stuff if you stand your ground."

A man about twenty years old, having worked in various positions in and around Denver for several years and with not even an arrest against him, returns to Denver after closing his mother's estate in the east; invests his \$1,300.00 on time interest bearing certificates, takes a room in a down town hotel; follows up the advertisements from day to day in search of work; stops at a tobacco stand daily and during several weeks, stops twice to play cards; while playing the second time two policemen enter and line all parties up against the wall asking one question "Have you got a job"? Answer "No." Explanation attempted but not permitted. Taken to jail and thrown in for the night. In the morning, lined up before the judge with about twenty others charged with vagrancy. Officers testify that the twenty or more were picked up at various places and have no jobs. One question asked of each "Have you a job". Answer "No". No explanation permitted. Thirty days in jail for each, suspended with instructions to leave town in six hours.

The young man said he was engaged to a Denver girl and would marry her and use his money to buy a small home as soon as he got a job. It required an appeal to the County Court and thirty to sixty days time, a considerable expense and substantial delay in accepting an out of town offer of a position, in order to clear his record of a conviction on vagrancy charge.

How his twenty companions fared, I am not informed.

This, I know. Both proceedings took not to exceed an hour and the net result was forty sore heads who consider the police and the police courts as nothing but instruments of persecution of the fellow who is out of a job. Respect for American institutions? Can you expect them to have any?

The police and police court in one hour destroyed all possibility of respect for our laws and institutions so far as these forty men were concerned. All the literature and speeches of the Americanization Committee will arouse in them only harsh and heartless laughter.

Can our Americanization Committees point to any such quick and effective work in the other direction? I

fear not, because they can (generally) only write and preach and broadcast their writings and sermons. Good as these are, they yet do not control or affect directly or concretely the lives of those they reach and what effect can the best speech ever delivered, advocating respect for law and our institutions, have as against such concrete examples of the absence of law and respect for law in the actual functioning of those institutions?

The hurry and rush and lack of consideration of facts and law in the police court has become a by-word in our city and the court itself has become a laughing stock as a result. Why? Not because of the incompetence of the judges there presiding, but in spite of their qualifications and their best efforts.

Were one judge to give his entire time to police court work, he would not have sufficient time to accord a fair hearing to each case separately for they average about fifty per day.

What then can we expect when one judge must dispose of all these cases in a forenoon? We can expect just what we get—only ill considered mass action—a travesty on justice.

When we ourselves have so little respect for our institutions as to permit such conditions to prevail, how can we hope for, or have the audacity to ask for, respect from others for those institutions.

Let us first show our own respect for our police court by making decent financial provision for it and then by

taking an interest in seeing that it functions as an American institution as a just and humane instrument of law enforcement. When this is done the need of preaching respect for it will have disappeared. The respect will come as a reflection—automatically.

Furthermore, such functioning of the court would have a most wholesome effect upon the police officers. The knowledge that each case would be carefully investigated and considered on its merits under the law, would make the grafting officer less free with his threats of prosecution and would render his threats harmless as against the innocent; it would make the officer more careful to bring in cases of real law violation instead of running up his record of convictions at the expense of the merely unfortunate, ignorant, or careless; it would set the officer an ever present example of respect for and enforcement of law—an example which could not but have far reaching effect for good.

Can any expense be too great in an effort to accomplish such a result?

Do you say this is idealism? Very well, but if Americanization itself is not ideal, it is not worth working for.

What greater service can this Association render the cause of Americanization than to accomplish the reorganization of the police courts and police department of Denver into institutions which can be pointed to as exemplifications of true Americanism?

Carle Whitehead



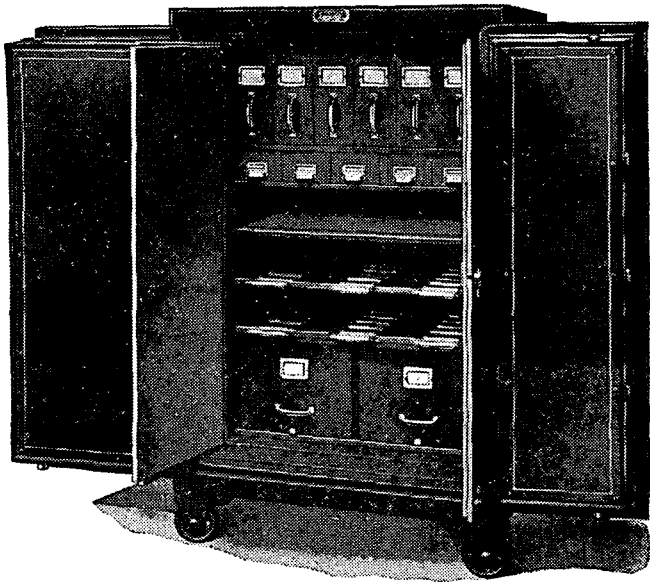
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# RECORD

P U B L I S H E D M O N T H L Y

VOL. III

DENVER, MAY, 1926

No. 5

## NEXT REGULAR MEETING

Monday, May 3, 1926, 12:15 P. M.

### LUNCHEON MEETING

*Dining Room Chamber of Commerce Building*

Senator Henry Toll of the Denver Bar, founder and organizer of the American Legislators' Association, which has received nation-wide approval and support, will explain its purpose, scope and present status. It is hoped to have the American Bar Association, at its meeting in Denver in July, express its approval of this organization.

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